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ABSTRACT

This manual on the Maine Surrogate Parent Program is designed for surrogate parents, social workers, and educational personnel. It defines relevant terms; outlines procedures for identification of students who require a surrogate parent; explains how surrogate parents are appointed and trained; lists the rights and responsibilities of the surrogate parent, the educational agency, and the state agency; offers guidelines for reimbursement for surrogate parents' expenses; and answers commonly asked questions. Appendixes contain federal regulations relating to surrogate parents, Maine special education regulations, a check list of suggested surrogate parent activities, sample case record forms, a check list of items to include on the Individualized Education Program, a list of organizational resources, a form to request a surrogate parent, and a surrogate parent program volunteer application. (JDD)

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SURROGATE PARENT HANDBOOK

Division of Special Education

Department of Education

Augusta, Maine 04333

April 1991

EC 300902

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I. INTRODUCTION

This handbook is designed for surrogate parents, social workers, and educational personnel. It establishes a framework for the Maine Surrogate Parent Program.

The input and assistance in developing this handbook provided by the many individuals including surrogate parents, special educators, Department of Human Services staff, and staff from the Division of Special Education is appreciated.

Acknowledgement is given to the states of Vermont, Virginia, Oregon, Indiana, Rhode Island, Connecticut, and Massachusetts for sharing their Surrogate Parent Program Handbooks.

Comments are solicited which suggest improvements in the Maine Surrogate Parent Program and this handbook. Please forward suggestions to:

Maine Surrogate Parent Program
Department of Education
Division of Special Education
Station #23
Augusta, ME 04333

II. DEFINITIONS

Surrogate Parent

A surrogate parent is an individual appointed by the Commissioner of the Department of Education or his/her designee to act independently on behalf of an exceptional student or a child suspected of being an exceptional student to safeguard the student's rights in the special education decision making process.

State Ward

A state ward for the purpose of the Maine Surrogate Parent Program includes students who have been committed by the court to the custody of the Maine Department of Human Services, or Department of Mental Health and Mental Retardation or other recognized Social Service agency.

Exceptional Students

"Exceptional student" is an individual who:

a. Has reached the age of 3 years;

b. Has neither graduated from a secondary school program nor reached 20 years of age at the start of the school year;

c. Requires the provision of special education services in the area of mental retardation, hearing impairment, speech and language impairment, visual impairment, behavioral impairment, orthopedic impairment, learning disability, health impairment, or multiples of these impairments.

Educational Agency

Educational Agency for the purpose of the Maine Surrogate Parent Program includes school administrative units, private day schools, residential treatment centers, or other agencies providing special education services to exceptional students.

State Agency

For the purpose of the Maine Surrogate Parent Program, State Agency is either the Maine Department of Human Services, or Department of Mental Health and Mental Retardation that has been granted custody of the student by the appropriate judicial process.

Caseworker

The caseworker for the purpose of the Maine Surrogate Parent Program is the representative of the state, or other recognized social service agency that has custody of the student.

III. IDENTIFICATION OF STUDENTS WHO REQUIRE A SURROGATE PARENT

A. It is the responsibility of each Educational Agency (school administrative unit, private day school, residential treatment center or other agency providing educational services) to notify the Commissioner or the Commissioner's designee whenever:

1. The parents or guardian of a potential exceptional student other than a state ward cannot be identified or located after reasonable effort.

   a. Parents or guardian cannot be identified when there is no record of a parent or guardian available to the educational agency.

   b. Parents cannot be located if there is no response to some combination of phone calls, letters, certified letter with return receipt, or visit to the parent's last known address.

2. A potential exceptional student is a ward of the State of Maine.

   a. Ward of the State of Maine includes all potential exceptional students committed by the court to the custody of the Departments of Human Services, or Mental Health and Mental Retardation.

IV. APPOINTMENT OF SURROGATE PARENTS

The Commissioner of the Department of Education or his/her designee is responsible for the selection and appointment of surrogate parents.

A. Criteria for Selection

A surrogate parent shall:

1. be an adult of good character
2. have no interests that conflict with the interests of the student being represented;
3. have demonstrated sufficient knowledge and skill to ensure adequate representation of the student;
4. not be an employee of the public or private agency involved in the education or care of the student;
5. not be an employee of the Maine Department of Education, Department of Human Services, or Department of Mental Health and Mental Retardation.

B. Additional Considerations

The foster parent of a licensed Department of Human Services foster home shall automatically be recognized as the surrogate parent for the exceptional student(s) placed in his/her care, unless the surrogate parent declines, or identifies some interests that conflict with the interest of the student being represented.

When Department of Human Services objects to the appointment of the foster parent as the surrogate parent, the Department of Human Services shall identify those objections in writing and shall recommend to the Department of Education an individual to serve as surrogate parent.

The Commissioner or his/her designee will consider the following for the selection of a surrogate parent:

1. The surrogate parent's place of residence and availability.
2. A surrogate parent with a cultural and ethnic background similar to the student.

3. The availability and appropriateness of the natural parent, adoptive parent, or relative.

4. The appropriateness of the student's participation in the selection of his or her surrogate.

C. Sources of Potential Surrogate Parents.

Surrogate parents will be selected for appointment by the Commissioner of Education or his/her designee from the following sources, providing the individual meets the criteria set forth under Criteria For Selection, Section IV-A:

1. Natural Parent/Adoptive Parent/Relative/Foster Parent

2. Individual recommended by the educational agency;

3. Individual recommended by the state agency;

4. Individual recruited by the Department of Education;

5. Individual recommended by the student.

The Department of Education will seek the advice of the student's caseworker and local education agency when considering the appointment of the natural, adoptive or foster parent, or relative.

D. Termination of Appointment

1. The appointment of a surrogate parent will automatically terminate when any one of the following conditions occur:

   a. the student, completes the school year (July 1 - June 30) in which he/she turns 20;

   b. the student no longer requires special education and/or related services;

   c. the student completes his/her course of study leading to a high school diploma or graduate equivalency degree.

2. The Commissioner of the Department of Education or his/her designee may terminate an appointment:

   a. when a surrogate parent notifies the Commissioner or his/her designee that the surrogate parent no longer wishes to serve;

   b. when the educational agency informs the Commissioner or his/her designee in writing that the surrogate is no longer eligible (e.g., the student's education is completed, the surrogate parent has become an employee of the educational agency). All reasons cited shall be documented and verified by the Department of Education;

   c. when the department having custody of the state ward notifies the Commissioner or his/her designee in writing that the surrogate parent is no longer eligible (e.g., the student has been adopted, the surrogate parent has become an employee of their agency, the natural parents have regained custody, etc.). All reasons cited shall be documented and verified by the Department of Education:

   d. when the Department of Education has reason to believe that a surrogate parent is not effectively representing the student (e.g., the surrogate parent has neither attended nor responded to notices of meetings, etc.); the exceptional student repeatedly, and over a period of time, states that he/she does not want to have the surrogate parent involved, or that the surrogate parent has a conflict of interest not previously identified. All issues shall be documented and verified by the Department of Education.

V. TRAINING OF SURROGATE PARENTS

It is the responsibility of the Department of Education to ensure that surrogate parents have appropriate training and/or comparable experience.

A. Training will consist of at least one (1) training session of two and one-half hours duration held on a regional basis. Such training will include as a minimum the following topics:

1. Introduction to special education and handicapping conditions.

2. State and Federal Special Education Law and Regulations.

3. Rights and responsibilities of surrogate parents.

4. The educational decision-making process.

5. Procedural safeguards.

B. Comparable experience in lieu of training may include one of the following:

1. Valid certification in an area of Special Education.

2. Completion of at least six (6) hours of college level courses in special education within the last three (3) years.

3. Attendance at a minimum of five (5) hours of parent training/in-service training workshops on special education and parent's rights within the last three (3) years.

4. A minimum of two (2) years experience as a participant in the Pupil Evaluation Team process.

5. Other appropriate training or experience as determined on an individual basis.

C. Individuals interested in being appointed as a surrogate parent shall specify their training and/or experience on the volunteer registration form. See Appendix VII.

D. The Department of Education will provide on-going consultation and training to surrogate parents upon request and will advise surrogate parents of other resources and consultative services available.

VI. RIGHTS OF THE SURROGATE PARENT

The surrogate parent has the same rights as the natural parent throughout the educational decision-making process.

The surrogate parent has the right:

1. to inspect, review, and to obtain copies of all records relating to the student's education;

2. to provide written consent prior to the:

   a. pre-placement evaluation; or

   b. initial placement of the student in a program providing special education and/or related services;

3. to receive written notice prior to any evaluation or change in the student's placement or program;

4. to question the appropriateness of the child's educational program and educational placement;

5. to be informed of the special education policies, programs, and services of the educational agency;

6. to all procedural safeguards including the right to seek an independent evaluation, the right to a due process hearing, and the right to initiate a complaint.

VII. RESPONSIBILITIES OF THE SURROGATE PARENT

A. The surrogate parent shall:

1. become acquainted with the exceptional student, the student's handicapping condition and the student's educational needs through visitations to the student's school and review of the student's educational records;

2. represent the student in all Pupil Evaluation Team and other meetings relating to the identification, evaluation, and educational placement of the student and the provision of an equal educational opportunity in the least restrictive educational environment;

3. ensure the confidentiality of information and records concerning the student;

4. be able to make sufficient time available to carry out the duties of surrogate parent properly;

5. have sufficient knowledge and skills to execute these responsibilities and to seek additional consultation and training as needed;

6. maintain a file containing the student's records and a record of the surrogate parent's activity. The surrogate parent will forward the file upon the **termination of their appointment** as surrogate parent to the Department of Education;

7. notify the Commissioner or his/her designee whenever the surrogate parent has reason to believe that a conflict of interest exists with respect to his/her appointment;

8. notify the student's caseworker in writing when the surrogate parent has reason to believe that a foster home or group placement is inappropriate and the reasons why they believe this.

VIII. LIMITS OF THE SURROGATE PARENT'S RESPONSIBILITIES

1. The surrogate parent has no authority or responsibility for the care, maintenance, or financial support of the student.

2. The surrogate parent may participate with the appropriate state agency in the discussion of the selection of a foster home or group home placement. The surrogate parent has no authority or responsibility to approve a non-educational placement in a group home or foster home.

3. The caseworker responsible for the student should, whenever possible, advise the surrogate parent of a potential group home or foster home placement and, in cooperation with the surrogate parent determine that the new placement will be able to meet the student's educational needs.

4. It is the responsibility of the Pupil Evaluation Team of which the surrogate parent is a member to decide that a placement in a residential treatment center is required for an exceptional state ward.

5. The state agency shall be considered the legal guardian referred to in Chapter 105, §911, Title XX, MRSA for the purposes of compulsory education. The surrogate parent has no authority to waive the right to education for a state ward who is an exceptional student.

IX. LIABILITY

Any decisions or recommendations made by a Pupil Evaluation Team may be questioned by the surrogate parent or educational agency under the due process requirements of State and Federal Special Education Law and Regulations. While a due process hearing does not determine liability, it is highly unlikely that a surrogate parent could be held liable in later court action for any P.E.T. recommendation, especially one that was not questioned through a due process hearing.

Surrogate parents are covered under the Maine Tort Claims Act to the same extent as employees of the State of Maine.

X. RIGHTS OF THE EDUCATIONAL AGENCY

The appointment of a surrogate parent shall not limit the rights under Maine or Federal Laws and Regulations of the School Administrative Unit or other agency responsible for the education of the exceptional student. These rights include, but are not limited to:

1. the right to mediation or a due process hearing to question the recommendation of the surrogate parent relating to the exceptional student's identification, evaluation, placement or programming;

2. the right to question any action taken by the surrogate parent by contacting the Commissioner of the Department of Education or his/her designee;

3. the right to question any action taken by any representative of the State Agency by contacting the caseworker supervisor, regional program manager, or Commissioner of the appropriate State Agency.

XI. RESPONSIBILITIES OF THE EDUCATIONAL AGENCY

The school administrative unit, private day school, residential treatment center, or other agency responsible for the education of the exceptional student shall:

1. ensure that state wards are accorded the same rights to equal educational opportunities as other residents of the community;

2. ensure that foster parents are informed of their role as surrogate parents for exceptional students in their care; (see section IV-B for exceptions)

3. ensure that surrogate parents are accorded the same rights as parents when representing the educational interests of the children they are appointed to serve;

4. ensure that the surrogate parent and state agency responsible for the student are kept informed of the student's program and progress;

5. notify the Commissioner or his/her designee whenever a state ward has been identified as an exceptional student or when a state ward has been referred to the Pupil Evaluation Team and appointment of a surrogate parent is necessary. See Appendix VIII for a copy of a request form;

6. recommend whenever possible an individual to serve as surrogate parent for an identified student;

7. notify the Commissioner or his/her designee when there is reason to believe that the surrogate parent is no longer eligible or that a conflict of interest exists.

XII. RIGHTS OF THE STATE AGENCY

The appointment of a surrogate parent will not limit any rights of the state agency under Federal or State Laws and Regulations. These rights include, but are not limited to:

1. the right to request that the Commissioner of the Department of Education or his/her designee appoint a surrogate parent when the State Agency has reason to believe that the state ward may require special education and/or related services;

2. the right to refer a state ward to the Pupil Evaluation Team of the School Administrative Unit in which the ward resides;

3. the right to file a complaint under Section 3127, Title XX MRSA with the Commissioner of the Department of Education when the agency has reason to believe that a school administrative unit or other agency providing educational services is in non-compliance with the Maine Special Education Regulations;

4. the right to advise the Commissioner of the Department of Education or his/her designee when the state agency has reason to believe that the surrogate parent or educational agency are not functioning in the best interests of the student;

5. the right to placement of a state ward in a non-educational placement without the consent of the surrogate parent.

XIII. RESPONSIBILITIES OF THE STATE AGENCY

The State Agency responsible for the care and custody of an exceptional student shall:

1. ensure that the agency's staff and foster parents are familiar with the role and responsibilities of surrogate parents, the Pupil Evaluation Team process and the Maine and Federal Special Education Regulations;

2. notify the Commissioner of the Department of Education or his/her designee whenever a state ward is identified as an exceptional student or has been referred to the Pupil Evaluation Team and appointment of a surrogate parent is necessary in the event that the educational agency has not requested the appointment of a surrogate parent; (See Appendix VIII for a sample request form)

3. advise the Commissioner of the Department of Education or his/her designee regarding the appropriateness of a natural parent, adoptive parent, foster parent, or relative as the student's surrogate parent;

4. ensure that the surrogate parent and educational agency are provided access to evaluations and records relevant to the student's educational needs;

5. advise whenever possible the surrogate parent and educational agency prior to any change in foster home or group home placement of the student and seek the advice of the surrogate parent regarding any educational needs that should be considered when selecting a foster home or group home;

6. advise as soon as possible the surrogate parent, the prior, and the receiving educational agency of the non-educational change of placement of a handicapped state ward;

7. notify the Commissioner of the Department of Education or his/her designee when there is reason to believe that the surrogate parent is no longer eligible or when a conflict of interest exists.

XIV. REIMBURSEMENT FOR EXPENSES

SURROGATE PARENTS

Reasonable and customary expenses incurred by surrogate parents in the performance of their duties shall be reimbursed at the following rates on a State of Maine Travel and Expense Account Voucher:

1. Mileage Allowance

   Surrogate parents shall be paid a mileage allowance of twenty-two cents ($.22) per mile for use of their personal vehicle (or the current approved state rate).

2. Meals and Lodging Expenses

   Surrogate parents shall be allowed a maximum amount for breakfast of four dollars ($4.00); for lunch, six dollars ($6.00); and for dinner, eleven dollars ($11.00). Receipt required for any one meal exceeding eight dollars ($8.00).

   Surrogate parents shall be allowed a maximum amount for lodging of forty-five dollars ($45.00) per night, unless prior approval for a greater amount has been received.

3. Telephone Expenses

   Surrogate parents shall be allowed actual costs for telephone toll charges plus applicable state and federal tax incurred. In lieu of submitting copies of their personal telephone charge statements, surrogate parents may elect to submit an itemized accounting of such calls on a Department of Education voucher.

4. Other Expenses

   Surrogate parents shall be allowed actual and reasonable costs for additional expenses incurred in the execution of their duties (i.e., child care, copying, etc.). Receipt required for any item exceeding three dollars ($3.00).

QUESTIONS & ANSWERS

1. Are all foster placements appropriate for automatic appointment as surrogate parent?

No. Privately funded therapeutic foster home parents and group home foster parents are generally considered to have a conflict of interest as surrogate parents because they may be put in the position of advocating a program for a child which could result in financial loss to the facility.

2. Should all Department of Human Services foster parents be automatically appointed as surrogate parents?

No. If a child is frequently changing foster placements (e.g. more than 3 placements in one school year), a consistent state appointed surrogate parent is more appropriate. In addition, some Department of Human Services foster parents may have a pre-existing conflict of interest (e.g. foster parent is also an employee of the child's school district).

3. Can the natural parents or other family members of a child in state custody serve as special education surrogate parent?

Yes. The natural parents are, in many cases, very appropriate as surrogate parents. When the ultimate goal of Department of Human Services custody is reunification of the family, it is a logical first step to have the parents represent their child in educational matters.

4. Who has the responsibility to request appointment of a surrogate parent?

If the child is not in state custody but the natural parents/guardians cannot be located, the responsible educational agency should request the appointment of a surrogate parent. In cases where the appointment of a surrogate parent for a state ward is necessary because of frequent moves, private agency foster placement, etc., all responsible agencies should work together to insure that the child is represented in special education matters.

5. Can a special education director or special education teacher serve as a surrogate parent?

Yes. The expertise offered by highly trained special education personnel is often useful in complicated education cases. However, it is important to insure that the individual can in no way be perceived to have interests which conflict with the interests of the child.

6. Do the duties of the surrogate parent cease when the state ward reaches 18 years of age?

No. An "exceptional student" is defined by both Federal and state law as having "neither graduated from a secondary school program nor reached 20 years of age at the start of the school year". Consequently, the surrogate parent must remain involved with their client as long as the student is receiving special education services.

7. If a state ward has a surrogate parent, can the child's natural parent(s) come to a PET or view the child's records?

Yes. The natural parent(s) may participate in PET meetings and have access to records but may not exercise the procedural safeguards (membership in PET, right to consent/notification, right to request hearing, etc.)

8. Does the surrogate parent continue their duties when the child is placed in an out-of-state residential school?

Yes. The Department of Education reimburses (in accordance with allowances and regulations applicable to State of Maine employees) all expenses incurred in carrying out the duties of a surrogate parent, including travel to an out-of-state facility to view the child's program and attend PET meetings.

9. Does the automatic appointment provision (for DHS foster parents) effect the standing of an appointed surrogate parent?

No. An appointed surrogate parent maintains their relationship with that child until he/she turns 21, the student completes their special education program, or returns to parental custody; or the appointment is withdrawn by Department of Education or the surrogate parent formally resigns.

APPENDIX

I. Federal Regulations - Public Law 101-476 (formerly 94-142)

II. Maine Special Education Regulations

III. Suggested Checklist - Surrogate Parent Activities

IV. Sample Case Records

V. IEP Checklist

VI. Resources

VII. Maine Surrogate Parent Program Volunteer Application

VIII. Request for Surrogate Parent Form

APPENDIX I

FEDERAL REGULATIONS - PUBLIC LAW 94-142

34 CFR 300.514
Surrogate Parents

(a) General. Each public agency shall insure that the rights of a child are protected when: (1) no parent (as defined in §121.10) can be identified; (2) the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or (3) the child is a ward of the State under the laws of that State.

(b) Duty of Public Agency. The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for the parents. This must include a method for: (1) determining whether a child needs a surrogate parent, and (2) assigning a surrogate parent to the child.

(c) Criteria for Selection of Surrogates. (1) The public agency may select a surrogate in any way permitted under State law. (2) Public agencies shall insure that a person selected as a surrogate: (i) has no interest that conflicts with the interests of the child he or she represents; and (ii) has knowledge and skills, that insure adequate representation of the child.

(d) Non-Employee Requirement; Compensation. (1) A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child. (2) A person who otherwise qualifies to be a surrogate parent under paragraph (c) and (d) (1) of this section, is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) Responsibilities. The surrogate parent may represent the child in all matters relating to: (1) the identification, evaluation, and educational placement of the child; and (2) the provision of a free appropriate public education to the child.

34 CFR 300.10
Parent

As used in this part, the term "parent" means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with §121a.514. The term does not include the State if the child is a ward of the State. (20 U.S.C. 1415).

Comment: The term "parent" is defined to include persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.

(20 U.S.C. 1415 (b) (1) (B).) Federal Register, Vol. 42, No. 163, Tuesday, August 23, 1977.

APPENDIX II

MAINE SPECIAL EDUCATION REGULATIONS

20A MRSA 7201 Law

1. Equal educational opportunities. It is the declared policy of the State that all children be provided with equal educational opportunities. The purpose of this chapter is to insure that all administrative units operating schools provide equal educational opportunities for such children shall be provided by means of the addition of appropriate supportive assistance to regular educational programs.

2. Least restrictive educational alternative. It is the policy of the State that exceptional children be educated with children in regular programs to the maximum extent possible. Removal of exceptional children from the regular educational environment shall occur only when the nature or severity of the exceptionality is such that education in regular classes with the use of supplemental aids and services, or education in self-contained classes within the regular school program, cannot be satisfactorily accomplished. Placement of exceptional children in residential schools or institutions or in private day schools or programs shall be authorized only after supporting evaluative data justifying such placement have been submitted to and approved by the commissioner.

§101.2 DEFINITIONS

2.7 Parent

The term "parent" means the natural or adoptive parent, legal guardian, or surrogate parent of a child affected by this rule. The term "parent" does not include the state nor employees of a state department responsible for the education or care of a student.

2.18 State ward

A "state ward" is a person under the age of 18, or an older person of eligible school age, for whom the State of Maine is legal guardian by court order.

2.20 Surrogate parent

A "surrogate parent" is a person appointed to fulfill the duties of a surrogate parent in accordance with Section 10.6 of this rule.

§101.4 RESPONSIBILITIES FOR SPECIAL EDUCATION SERVICES

4.3 State Wards

A school unit shall provide special education services to any state ward who resides in a foster home, group home, emergency shelter or state-operated institution within the unit's boundaries.

The regional administrator of the responsible state agency or the member of the agency's staff identified as responsible for case management of the state ward and the foster parent or administrator of the residence are entitled to participate in any Pupil Evaluation Team meeting for the state ward.

If a state ward is placed in a special purpose private residential school or residential treatment facility, responsibility for the student shall remain with the school unit which placed the student. These responsibilities include development of the student's Individualized Education Program, annual review of the I.E.P. and a determination of future appropriate programs and placements. The school unit which placed the state ward in a residential program shall retain responsibility for program monitoring, I.E.P. development, and annual review, until the state ward is discharged from the residential program to a natural home, a foster home or a group home in another school unit, at which time the P.E.T. responsibility and education records shall be transferred to the unit in which the home is located.

If a state ward is placed in a special purpose private day or residential school, residential treatment facility or special education program, the tuition to the school or facility shall be paid directly by the Department of Educational and Cultural Services to the school or facility. Payment shall be at 100 percent of tuition costs during the year in which the program is provided upon receipt of appropriate statements from the school or facility.

§101.10 DUE PROCESS REQUIREMENTS

10.6 Surrogate Parents

A. Appointment of surrogate parent - Whenever the natural parents or guardian of an exceptional student cannot be identified or located after reasonable efforts, the superintendent of the responsible administrative unit shall notify the Commissioner and request the appointment of a surrogate parent.

Whenever an exceptional student is a state ward residing in a foster home licensed by the Department of Human Services, the foster parent shall be recognized as the surrogate parent for the exceptional student(s) placed in his/her care. There is no need for the Commissioner to appoint the foster parent of a state ward.

B. Duties of surrogate parents - The surrogate parent is the only person authorized to represent the student in all matters relating to the student's identification, evaluation, educational programming or placement to ensure that the student will be provided with a free appropriate public education.

The natural parent, legal guardian or custodian may have access to records and participate in P.E.T. meetings but may not exercise the procedural safeguards under this rule.

C. Criteria for surrogate parent selection - A surrogate parent shall meet the following criteria:

1) Have no interests that conflict with the interests of the student being represented;

2) Have sufficient knowledge and skill to ensure adequate representation of the student; and

3) Not be an employee of a public agency involved in the education or care of the student. The term "public agency" includes the Department of Educational and Cultural Services, the Department of Human Services, and the Department of Mental Health and Mental Retardation, the school administrative unit responsible for providing education to the student, and the school unit of residence of the student's parents.

APPENDIX III

SUGGESTED CHECKLIST

SURROGATE PARENT ACTIVITIES

These are suggested activities for surrogate parents. It presents a possible sequence of activities that would ensure appropriate representation by a surrogate. Not all activities may be necessary or appropriate for a particular student. Individual discretion by the student's surrogate parent will be necessary.

Introductions	Date of Occurrence
1. Visited with assigned student at his/her school.	_____
2. Met with student's teachers and principal.	_____
3. Reviewed educational records at student's school.	_____
4. Met with student's caseworker.	_____
5. Reviewed educational records at state agency.	_____
Evaluation Process	
1. Received written notice of Pupil Evaluation Team meeting scheduled at a mutually convenient time and place.	_____
2. Attended Pupil Evaluation Team meeting to review evaluations and recommend additional testing as necessary.	_____
3. Received written notice requesting an evaluation of student prior to evaluation.	_____
4. Received an oral or written explanation of the results of evaluation.	_____
Placement Process	
1. Requested a P.E.T. meeting to review student's program and placement.	_____

APPENDIX III (continued)

PLACEMENT PROCESS (continued)

2. Received written notice of Pupil Evaluation Team meeting at a mutually convenient time and place. _____

3. Attended P.E.T. Conference and reviewed student's current placement and program. _____

4. Attended P.E.T. Conference and assisted in developing a new Individual Education Program (IEP). _____

5. Requested a copy of student's IEP. _____

Conflict Resolution

1. Contacted student's teacher(s) to discuss concerns. _____

2. Expressed concerns in writing to Principal with copies to teacher and Director of Special Education. _____

3. Consulted with the Division of Special Education or other advocacy groups regarding resolution of concerns. _____

4. Requested a meeting with Director of Special Education, Principal, and teacher(s) to resolve concerns. _____

5. Requested mediation with impartial hearing officer. _____

6. Filed complaint against school system with Commissioner of Education. _____

7. Requested Due Process Hearing. _____

APPENDIX IV

SAMPLE CASE RECORD

Surrogate Parent: _____ Student's Name: _____

Address: _____ Address: _____

_____ _____

Phone#: _____ Phone#: _____

Date Appointed: _____

Student's School: _____ Phone#: _____

Teacher(s): _____

_____

Principal: _____

Date of Contact	Summary of Activity

APPENDIX V

IEP CHECKLIST

This checklist should be used to determine if your student's IEP is complete. All of the items listed may not be applicable for your student, but the majority of them should be included.

	YES	NO	N/A
a) Present Level of Performance A description of what your student can do; they include information on these areas: - self-help skills (personal maintenance) - academic skills (reading, math, etc.) - social behaviors (how he/she gets along with others) - physical skills (coordination, running, etc.) - vocational or pre-vocational skills - constraints on performance			
b) Annual Goals The goals are based on your student's evaluation(s).			
The annual goals in the IEP address all the educational needs of your student.			
The goals set for your student can be accomplished during the school year.			
The annual goals indicate what your student will be able to do when the services specified in the IEP have ended.			
c) Short-Term Objectives The short-term objectives as written are specific for each annual goal.			
Each objectives is written so that it can be measured.			

	YES	NO	N/A
d) Specific Services The I.E.P. clearly states what special education and related service(s) your student will receive this school year. The services to be provided and persons who will be providing the services are specified in the IEP (example - individual speech therapy three times per week for 1/2 hour each time with speech therapist).			
e) Dates of Service The dates for the beginning of services are clear. When IEP services will end for your student are clearly specified.			
f) Evaluation of Progress The method of checking your student's progress includes: a. how it will be checked b. when it will be checked c. who will be responsible for making sure this is done d. who at the school will communicate with you and when			
g) Time in Regular Class Some regular class placements were considered during the PET meeting. The percentage of time your student will spend in regular class is ____%. Ways that your student will be integrated with non-handicapped students are specified. A date was indicated for the review of the IEP, not to exceed 12 months.			

APPENDIX VI

RESOURCES

Information and Assistance

The following individuals and/or agencies can provide information and/or assistance with questions about special education and the Pupil Evaluation Team process.

Maine Department of Education
Division of Special Education
State House Station #23
Augusta, ME 04333 — 289-5950

Association for Young Children with Special Needs
P.O. Box 85
Gardiner, ME 04345

Autism Society of Maine
P.O. Box 597
Gardiner, ME 04345 — 582-7727

Child & Family Institute
Division of Human Resources
University of Southern Maine
Gorham, ME 04038 — 780-5455

Gov. Baxter School for the Deaf
P.O. Box 799
Portland, ME 04104 (Voice and TDD) 781-3165

Learning Disabilities Association of Maine
P.O. Box 385
Gardiner, ME 04345 — 582-2866
1-800-325-0220 (SPIN office)

Maine Head Injury Foundation
P.O. Box 2224
Augusta, ME 04330-2224 — 626-0022

Special Needs Parents Information Network (SPIN)
P.O. Box 2067
Augusta, ME 04338-2067 — 1-800-325-0220
582-2504

Maine Advocacy Services
P.O. Box 445 — 1-800-452-1948
Winthrop, ME 04364 (Voice or TDD) 377-6202

APPENDIX VI (continued)

Legal Assistance

These agencies may be able to assist with mediation, complaints, and due process hearings.

Maine Civil Liberties Union
97a Exchange St.
Portland, ME 04101 774-5444

Pine Tree Legal Assistance

Portland	P.O. Box 547	774-8211
Augusta	88 Federal St., P.O. Box 2429	622-4731
Lewiston	145 Lisbon St.	784-1558
Bangor	61 Main St.	942-8241
Machias	26 Main St., P.O. Box 120	255-8656
Presque Isle	572 Main St.	764-4349

Request for Surrogate Parent/Notification of Surrogate Parent

1. Student's Name:_____ DOB:_____

   Address:_____ Phone:_____

   _____

   Name of: _____ foster parent
   _____ house parents or
   _____ other (please specify relationship)

2. Is student a state ward? Yes___ No___ If NO, go to question #4. Child welfare status code:_____

3. Please identify the student's social worker, regional office, and phone number and to go question #5.

Name:_____ Office:_____
Phone#:_____

4. Are the student's parents unknown or can they not be located? Please explain and attach documentation of efforts to locate.

5. Please identify the student's school, principal, and teacher(s):

School:_____ Address:_____
Principal:_____ Phone #:_____
Teacher(s):_____ _____

6. Please identify the student's handicapping condition:_____

7. Please identify the student's current programming:

___ referred to PET only	___ private day school
___ resource room	___ residential treatment center
___ composite classroom	___ home/hospital bound
___ self-contained classroom	___ other (identify)
___ public spedial day school	___ no programming

8. Identify any special considerations for appointing a surrogate parent (i.e., Alternative Communication System, Foreign Language, Minority Group)

9. Can you recommend any individual that could serve as this student's surrogate parent?

Name:_____ Relationship to Student:_____

Address:_____

Telephone #:_____

10. Individual making referral:_____

Title:_____ Phone#:_____ Date:_____

Please return to: Surrogate Parent Program
MDOE - State House Station #23
Augusta, ME 04333

LEM 10/90

Maine Surrogate Parent Program

Volunteer Application

Please review the enclosed material prior to completing this application.

1. Name: _____

2. Address: _____

   _____

   Employed by: _____

3. Home Telephone: _____ Work: _____

4. Experience and/or education relating to special education and/or handicapped children.

   _____

   _____

   _____

   _____

5. Are you proficient in any foreign language or alternative communication system (sign language, rebus symbols, etc.)?

   _____

6. Do you own or have access to transportation?

   _____

7. Can you make a minimum commitment of one year to a student assigned to you?

   _____

8. Are you aware of any conflicts of interest that could effect your serving as a surrogate parent? Yes___ No___

   If Yes, please explain: _____

   _____

   _____

   _____